EA/PC/CM:KHeilenis:dj H 140-0269 LPC: EAA 10/30
X24933 11-3-80 EA: Mr. Itoh

November 6, 1980

Dear Mr. Pursell:

Thank you for your inquiry of October 6 on behalf of Mr. Raymond Downs concerning the trial and sentencing of Mr. Kim Dae Jung in the Republic of Korea.

The U.S. Government has followed the trial with intense interest and deep concern. We have strong feelings about the harsh verdict handed down in Mr. Kim's case. The Government of the Republic of Korea is fully aware of our views. Although we are not commenting further on the case now because it is under judicial review, our concern and dialog with the Koreans continue.

Under Korean law, all defendants have the right to appeal the verdicts, and the death sentence, as in Mr. Kim's case, is automatically appealed. It may be many weeks before the final outcome in this case is determined. The first level of appeal is an appellate court martial, which can have elements of a second trial. That body's verdict is then reviewed by the martial law commander, who can commute sentences. Because they are civilians, Mr. Kim and the other defendants in this case also have the right of appeal to Korea's Supreme Court. The Supreme Court does not hold public sessions. It reviews the law and handling of the case by the court martial and appellate jurisdictions. The Supreme Court must complete its review within four months.

The Honorable
Carl D. Pursell,
House of Representatives.

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY HT DATE 8/18/82
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TS AUTH. REASON (S)
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PA or FOI EXEMPTIONS

After a Supreme Court decision, any death sentence must be confirmed by President Chun, who also has the power of commutation.

Sincerely,

J. Brian Atwood
Assistant Secretary
for Congressional Relations

Enclosure:

Correspondence returned.